

IN SENATE OF THE UNITED STATES.

January 3, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT, made the following

REPORT:

[To accompany bill S. No. 48.]

The Committee on the Judiciary, to whom were referred the petition of Peter Capella, administrator of Andrew Capella, deceased; and the petition of John Caps; and also the petition of Elijah Pelty and Hannah Pelty, his wife, heirs of John Beardon deceased, report:

That the three cases above named, as having been referred to the committee, are all of similar character, and rest on analagous principles.

By the 9th article of the treaty with Spain, ceding the Floridas to the United States, this government stipulated to satisfy the Spanish inhabitants of those provinces, prior to the cession, for certain losses sustained by the operations of American troops in Florida. An act was passed March 3d, 1823, (vide vol. 3, stat. at large, p. 768, ch. 35,) directing the mode of ascertaining these claims and the settlement of them. The construction of that act by the departments, excluding certain cases, was overruled by Congress in June 26th, 1834, (vide vol. 6, stat. at large, p. 569, ch. 87.) This act provided that all petitions to the United States district judge, in East Florida, (who was authorized to take evidence, examine and adjudicate the claims, subject to the revisal of the Secretary of the Treasury,) should be presented to the judges within *one year* from the passage of the act. Most of the claims were presented and decided according to that law. In these cases the petitions were not filed within the time limited by the act of 1834, *i. e.* before the 26th of June, 1835. The petitioners allege and show in each case satisfactory reasons for the omission to take advantage of the provision made in 1834 for the settlement of their claims. In most acts of limitation, exceptions are contained in favor of persons beyond seas, fema courts, infants, &c. Within one or the other of these exceptions each one of these cases could be included. The petitioners severally ask, that by reason thereof, an act may be passed allowing the claim to be presented within a year from its

passage and the claim decided as under the act of 1834. The committee deem the prayer reasonable, and accordingly report a bill including all the cases. These cases have all been heretofore before the Senate, and favorably reported by the committee they were referred to, and bills, in the two first cases, similar to that now reported, passed by the Senate at the two last sessions of Congress. The bill reported, provides that the judge shall decide as to the reasonableness of the cause of not having filed the claim prior to June 26th, 1835, upon a petition to be filed within one year from the passage of the act.

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